

APPEAL, CLOSED, CROSBY, PRIOR

U.S. District Court
United States District Court for the Southern District of New York (Foley Square)
CRIMINAL DOCKET FOR CASE #: 1:02-cr-01290-RMB All Defendants

Case title: USA v. Saenz Duque et al
Related Case: 1:07-cv-09461-RMB-THK
Magistrate judge case numbers: 1:02-mj-01821
1:02-mj-01836

Date Filed: 10/01/2002

Assigned to: Judge Richard M. Berman

Defendant (1)

James Duque
COMPLAINT in violation of 21 846
TERMINATED: 06/20/2003

represented by **Alan Robert Kaufman**
Buchwald & Kaufman
100 Park Avenue
New York, NY 10017
212-661-0040
Email: ark6003@aol.com
TERMINATED: 06/20/2003
LEAD ATTORNEY
Designation: CJA Appointment

Don D. Buchwald
Kelley Drye & Warren
101 Park Avenue
New York, NY 10178
(212) 661-0040
Fax: 212 370 9885
Email: DBuchwald@KelleyDrye.com
TERMINATED: 06/20/2003
LEAD ATTORNEY
Designation: CJA Appointment

Pending Counts

None

Highest Offense Level (Opening)

None

Terminated Counts

Disposition

Disposition

21:846=ND.F CONSPIRACY TO
DISTRIBUTE NARCOTICS
(HEROIN)
(1)

Count(s) 1, 2 are dismissed.

21:846=ND.F CONSPIRACY TO
DISTRIBUTE NARCOTICS
(1s)

The Defendant was found not guilty. It
is ORDERED that the Defendant is
acquitted, discharged and any bond
exonerated.

21:963=NI.F
ATTEMPT/CONSPIRACY -
NARCOTICS -
IMPORTATION/EXPORTATION
(IMPORTING HEROIN)
(2)

Count(s) 1, 2 are dismissed.

21:963=NI.F
ATTEMPT/CONSPIRACY -
NARCOTICS -
IMPORTATION/EXPORTATION
(2s)

The Defendant was found not guilty. It
is ORDERED that the Defendant is
acquitted, discharged and any bond
exonerated.

Highest Offense Level (Terminated)

Felony

Complaints

None

Disposition

Assigned to: Judge Richard M. Berman

Appeals court case number: 03-1735

Defendant (2)

William Saenz Duque
COMPLAINT in violation of 21 U.S.C.
846
TERMINATED: 11/20/2003
also known as
"Willie"
TERMINATED: 11/20/2003

represented by **Gary S. Villanueva**
Gary S. Villanueva, Attorney At Law
401 Broadway, Suite 1503
New York, NY 10013
(212)-219-0100
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Email: garyvillanueva@aol.com
LEAD ATTORNEY
Designation: CJA Appointment

Pending Counts

21:846=ND.F CONSPIRACY TO
DISTRIBUTE NARCOTICS
(1s)
21:963=NI.F

Disposition

Imprisonment: 168 Months; Supervised
Release: 5 Years.

ATTEMPT/CONSPIRACY -
NARCOTICS -
IMPORTATION/EXPORTATION
(2s)

Imprisonment: 168 Months; Supervised
Release: 5 Years.

Highest Offense Level (Opening)

Felony

Terminated Counts

21:846=ND.F CONSPIRACY TO
DISTRIBUTE NARCOTICS
(HEROIN)
(1)

Disposition

Dismissed.

21:963=NI.F
ATTEMPT/CONSPIRACY -
NARCOTICS -
IMPORTATION/EXPORTATION
(IMPORTING HEROIN)
(2)

Dismissed.

Highest Offense Level (Terminated)

Felony

Complaints

None

Disposition

Assigned to: Judge Richard M. Berman

Defendant (3)

Hector Carvajal
TERMINATED: 07/18/2003

represented by **Mark B Gombiner**
Federal Defenders of New York Inc.
(NYC)
52 Duane Street
10th Floor
New York, NY 10007
212-417-8700
Fax: 212-571-0392
Email: mark_gombiner@fd.org
TERMINATED: 07/18/2003
LEAD ATTORNEY
*Designation: Public Defender or
Community Defender Appointment*

Pending Counts

Disposition

The defendant is hereby committed to

21:846=ND.F CONSPIRACY TO
DISTRIBUTE NARCOTICS
(HEROIN)
(1)

the custody of the United States Bureau
of Prisons to be imprisoned for a total
of 120 months. Upon release from
imprisonment, the defendant shall be on
superivsed release for a term of 5 years.

Highest Offense Level (Opening)

Felony

Terminated Counts

21:963=NI.F
ATTEMPT/CONSPIRACY -
NARCOTICS -
IMPORTATION/EXPORTATION
(IMPORTING HEROIN)
(2)

Disposition

Count 2 is dismissed on the motion of
the United States.

Highest Offense Level (Terminated)

Felony

Complaints

None

Disposition

Assigned to: Judge Richard M. Berman
Appeals court case number: 03-1735
U.S.C.A. 2nd Cir.

Defendant (4)

Hector Ruiz
TERMINATED: 12/29/2003

represented by **B. Alan Seidler**
580 Broadway
New York, NY 10012
(914) 572-7057
LEAD ATTORNEY

Isabelle A. Kirshner
Clayman & Rosenberg
305 Madison Avenue, Ste. 1301
New York, NY 10165
(212)-922-1080
Fax: (212)-949-8255
Email: ikirshner@aol.com
TERMINATED: 12/06/2002
LEAD ATTORNEY
Designation: CJA Appointment

John Sand Siffert
Lankler Siffert & Wohl LLP
500 Fifth Avenue
33rd Floor
New York, NY 10110
212-921-8339
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LEAD ATTORNEY
Designation: CJA Appointment

Pending Counts

21:846=ND.F CONSPIRACY TO
DISTRIBUTE NARCOTICS
(1s)

Highest Offense Level (Opening)

Felony

Terminated Counts

21:846=ND.F CONSPIRACY TO
DISTRIBUTE NARCOTICS
(HEROIN)
(1)

21:963=NI.F
ATTEMPT/CONSPIRACY -
NARCOTICS -
IMPORTATION/EXPORTATION
(IMPORTING HEROIN)
(2)

21:963=NI.F
ATTEMPT/CONSPIRACY -
NARCOTICS -
IMPORTATION/EXPORTATION
(2s)

Highest Offense Level (Terminated)

Felony

Complaints

None

Disposition

Imprisonment of 121 Months.
Supervised Release for a term of 5
Years.

Disposition

All open counts are dismissed on the
motion of the US

All open counts are dismissed on the
motion of the US

All open counts are dismissed on the
motion of the US

Disposition**Plaintiff**

USA

represented by **Marc Lee Mukasey**

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 1177 Avenue of the Americas
 19th Floor
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LEAD ATTORNEY

Date Filed	#	Docket Text
03/07/2002	1	DECLARATION IN SUPPORT OF REQUEST TO PROCEED IN FORMA PAUPERIS by Ronald Reale . [1:02-cv-1821] (gmo) (Entered: 03/19/2002)
03/07/2002	2	Proceeding in the nature of mandamus filed. . [1:02-cv-1821] (gmo) (Entered: 03/19/2002)
03/07/2002		Magistrate Judge Douglas F. Eaton is so designated. [1:02-cv-1821] (gmo) (Entered: 03/19/2002)
03/07/2002	3	NOTICE of CHANGE OF ADDRESS by Ronald Reale . [1:02-cv-1821] (gmo) (Entered: 03/19/2002)
03/07/2002	4	ORDER OF DISMISSAL Accordingly, the complaint, filed in forma pauperis under 28 U.S.C. 1915(a)(1), is dismissed pursuant to 28 U.S.C. 1915(e)(2). We certify pursuant to 28 U.S.C. 1915(a)(3) that any appeal from this order would not be taken in good faith. SO ORDERED. (signed by Chief Judge Michael B. Mukasey) [1:02-cv-1821] (gmo) (Entered: 03/19/2002)
03/07/2002	5	JUDGMENT for Ronald Reale . Ordered, Adjudged and Decreed: That the complaint be and it is hereby dismissed. 28 U.S.C. 1915(e)(2). We certify pursuant to 28 U.S.C. 1915(a)(3) that any appeal from the Court's order will not be taken in good faith. (signed by Chief Judge Michael B. Mukasey). Entered On Docket: March 19th 2002. [1:02-cv-1821] (gmo) Modified on 09/10/2002 (Entered: 03/19/2002)
03/07/2002		Case closed. [1:02-cv-1821] (gmo) (Entered: 03/19/2002)
09/16/2002	1	COMPLAINT in violation of 21 USC 846 as to Hector Carvajal, Hector Ruiz (signed by Magistrate Judge Kevin Nathaniel Fox) [1:02-m - 1821] (kw) Modified on 09/18/2002 (Entered: 09/18/2002)
09/16/2002		ARREST of Hector Carvajal [1:02-m -1821] (kw) (Entered: 09/18/2002)
09/16/2002		ARREST of Hector Ruiz [1:02-m -1821] (kw) (Entered: 09/18/2002)
09/16/2002	2	CJA 23 Financial Affidavit as to Hector Ruiz : (Signed by Magistrate Judge Kevin Nathaniel Fox) [1:02-m -1821] (kw) Modified on 09/18/2002 (Entered: 09/18/2002)

09/16/2002	3	CJA 23 Financial Affidavit as to Hector Carvajal : (Signed by Magistrate Judge Kevin Nathaniel Fox) [1:02-m -1821] (kw) Modified on 09/18/2002 (Entered: 09/18/2002)
09/16/2002	4	NOTICE of Appearance for Hector Ruiz by Attorney John Siffert [1:02-m -1821] (kw) (Entered: 09/18/2002)
09/16/2002	5	NOTICE of Appearance for Hector Carvajal by Attorney Mark Gombiner [1:02-m -1821] (kw) (Entered: 09/18/2002)
09/16/2002	6	ORDER Appointing Federal Public Defender for Hector Carvajal [1:02-m -1821] (kw) (Entered: 09/18/2002)
09/16/2002		First Appearance as to Hector Ruiz held with defendant, CJA John Siffert by Fred Cohen, Spanish Interp. and AUSA John Collins for the government. Detention hearing set to the following date. Preliminary Examination set for 9/30/02 for Hector Ruiz ; Detention Hearing set for 11:00 9/20/02 for Hector Ruiz ; before Magistrate Judge Kevin Nathaniel Fox . [1:02-m -1821] (kw) (Entered: 09/18/2002)
09/16/2002		First Appearance as to Hector Carvajal held with defendant, LA Mark Gombiner, Spanish Interp. and AUSA John Collins for the government. Detained on consent without prejudice. Preliminary Examination set for 10/7/02 for Hector Carvajal ; before Magistrate Judge Kevin Nathaniel Fox . [1:02-m -1821] (kw) (Entered: 09/18/2002)
09/16/2002		CJA 20 APPOINTMENT OF AND AUTHORITY TO PAY COURT APPOINTED COUNSEL as to Hector Ruiz : Appointment of Attorney John S. Siffert . (Signed by Magistrate Judge Kevin Nathaniel Fox) [1:02-m -1821] (moc) (Entered: 09/25/2002)
09/17/2002	1	COMPLAINT as to William Saenz Duque, James Duque in violation of 21 U.S.C. 846 (signed by Magistrate Judge Michael H. Dolinger) [1:02-m -1836] (dif) (Entered: 09/18/2002)
09/17/2002	2	ARREST WARRANT issued as to William Saenz Duque in violation of 21 U.S.C. 846 [1:02-m -1836] (dif) (Entered: 09/18/2002)
09/17/2002	3	ARREST WARRANT issued as to James Duque in violation of 21 U.S.C. 846 [1:02-m -1836] (dif) (Entered: 09/18/2002)
09/20/2002		Detention hearing as to Hector Ruiz held with CJA Fred Cohen and AUSA John P. Collins for the government. \$250,000 PRB; 5 FRP (INCL DEFT'S SUPERVISOR, MR. CARVAJAR); TRAVEL RESTRICTED TO SDNY/EDNY; SURRENDER TRAVEL DOCUMENTS (& NO NEW APPLICATIONS); STRICT PRETRIAL SUPERVISION; HOME DETENTION; ELECTRONIC MONITORING; DEFT TO BE RELEASED UPON FOLLOWING CONDITIONS; SIGNING, CO-SIGNERS; SURRENDER TRAVEL DOCUMENTS; before Magistrate Judge Michael H. Dolinger . [1:02-m -1821] (dif) (Entered: 09/25/2002)
09/20/2002		CJA 20 APPOINTMENT OF AND AUTHORITY TO PAY COURT APPOINTED COUNSEL as to Hector Ruiz : Appointment of Attorney Isabelle Kirshner . (Signed by Judge Richard M. Berman) (moc)

		(Entered: 10/11/2002)
10/01/2002	7	INDICTMENT as to James Duque (1) count(s) 1, 2, William Saenz Duque (2) count(s) 1, 2, Hector Carvajal (3) count(s) 1, 2, Hector Ruiz (4) count(s) 1, 2 (Preliminary Examination cancelled.) (jm) (Entered: 10/02/2002)
10/04/2002		Status conference as to Hector Carvajal, Hector Ruiz held before Judge Richard M. Berman. Deft Carvajal present w/atty Mark Gombiner. Deft Ruiz present w/atty Isabelle Kirshner. AUSA Marc Mukasey present. Spanish interpreter Elena Rich present. Court reporter Connie Kuhl present. Defts arraigned on indictment. Defts plead NOT GUILTY to all charges in indictment. Defts continue detained. Next conference schedule for 11/8/02 at 10:30. Time excluded until 11/8/02. (bw) Modified on 10/11/2002 (Entered: 10/11/2002)
10/04/2002		Arraignment as to Hector Carvajal, Hector Ruiz held: Hector Carvajal (3) count(s) 1, 2, Hector Ruiz (4) count(s) 1, 2, before Judge Richard M. Berman. Defts plead NOT GUILTY to all charges in indictment. (bw) (Entered: 10/11/2002)
10/04/2002		PLEA entered by Hector Carvajal, Hector Ruiz. Court accepts plea. Not Guilty: Hector Carvajal (3) count(s) 1, 2, Hector Ruiz (4) count(s) 1, 2. (bw) (Entered: 10/11/2002)
10/04/2002		ORAL ORDER as to Hector Carvajal, Hector Ruiz . SET pretrial conference for 10:30 a.m. 11/8/02 for Hector Carvajal, for Hector Ruiz. (Entered by Judge Richard M. Berman) (bw) (Entered: 10/11/2002)
10/24/2002	8	ORDER as to Hector Ruiz. Upon application of counsel for, it is Hector Ruiz hereby: ORDERED, pursuant to Criminal Justice Act, that Frank Gonzalez, be appointed as a private investigator to assist in the defense of Hector Ruiz, the above named deft. It is further, ORDERED, that Mr. Gonzalez be paid an hourly fee of \$85.00 per hour for his services, up to a \$2,500*. Should additional funds be required, counsel will apply to the Court for such funds. *Counsel may apply for good cause shown if investigation exceeds \$2,500. (Signed on 10/23/02 by Judge Richard M. Berman). (bw) (Entered: 10/28/2002)
11/08/2002		Status conference as to Hector Carvajal, Hector Ruiz held before Judge Richard M. Berman. Deft Ruiz present w/atty Isabelle Kirshner. Deft Carvajal present w/atty Carlos Perez Olivo. CJA attorney Gombiner substituted with attorney Olivo. AUSA Marc Mukasey present. Spanish interpreter Elena Rich present. Court reporter present. Discovery has been provided to parties. Bail hearing scheduled for deft Ruiz on 11/14/02 at 9:45. Next conference with all parties scheduled for 12/2/02 at 9:15. Time excluded until 12/2/02. (bw) (Entered: 11/13/2002)
11/08/2002		ORAL ORDER as to James Duque, William Saenz Duque, Hector Carvajal, Hector Ruiz . SET Bail Hearing for 9:45 a.m. 11/14/02 for Hector Ruiz ; and SET status conference for 9:15 a.m. 12/2/02 for James Duque, for William Saenz Duque, for Hector Carvajal, for Hector Ruiz. (Entered by Judge Richard M. Berman) (bw) (Entered: 11/13/2002)

11/14/2002		Bail hearing as to Hector Ruiz held before Judge Richard M. Berman. Deft present w/atty Isabelle Kirshner. AUSA Marc Mukasey present. Spanish interpreter Paula Gold present. Court reporter present. Bail denied for deft Ruiz. All bail conditions made by Magistrate Dollinger on 9/20/02 revoked. See transcript of record held on 11/14/02. (bw) (Entered: 11/26/2002)
12/02/2002		Status conference as to Hector Carvajal, Hector Ruiz held before Judge Richard M. Berman. AUSA Marc Mukasey present. Deft attorney Isabelle Kirshner present. Deft attorney Carlos Perez Olivo present. Deft Ruiz and Carvajal NOT PRODUCED by Marshals because of delay at MDC. Spanish interpreter present. Court reporter present. Attorneys Kirshner and Olivo waive defts appearances. Next conference for Ruiz scheduled for 12/6/02 at 12:45. Plea scheduled for Carvajal on 1/13/03 at 4:00; Attorney given Advice of Rights form for deft Carvajal. Trial scheduled for Ruiz on 2/24/03 at 9:00. Motion for Ruiz due 1/7/03 and Answer due 1/13/03. Pre-trial Conference for Ruiz scheduled on 1/14/03 at 1:00. Joint Jury Instructions due 2/3/03. Time excluded for both defts until 2/24/03. (bw) (Entered: 12/03/2002)
12/02/2002		ORAL ORDER as to Hector Carvajal . SET pretrial conference (Plea) for 4:00 p.m. 1/13/03 for Hector Carvajal. (Entered by Judge Richard M. Berman) (bw) (Entered: 12/03/2002)
12/02/2002		ORAL ORDER as to Hector Ruiz . SET scheduling order deadlines: Status Conference for 12:45 p.m. 12/6/02 for Hector Ruiz; Motion Filing deadline set to 1/7/03 for Hector Ruiz; Response to motion deadline set to 1/13/03 for USA; Pretrial Conference set for 1:00 p.m. 1/14/03 for Hector Ruiz; Jury Trial set for 9:00 a.m. 2/24/03 for Hector Ruiz. Joint Jury Instructions due 2/3/03. (Entered by Judge Richard M. Berman) (bw) (Entered: 12/03/2002)
12/06/2002		Status conference as to Hector Ruiz held before Judge Richard M. Berman. AUSA Marc Mukasey present. Deft Ruiz present w/atty Isabelle Kirshner. CJA counsel Alex Eisemann present. Spanish interpreter present. Court Reporter present. Deft Ruiz wants new counsel. New CJA counsel Alexander Eisemann appointed. All dates scheduled at 12/2/02 conference remains the same. (bw) (Entered: 12/11/2002)
12/06/2002		ORAL ORDER as to Hector Ruiz . Substituting attorney: terminated attorney Isabelle Kirshner for Hector Ruiz, New CJA attorney Alexander Eisemann appointed. (Entered by Judge Richard M. Berman) (bw) (Entered: 12/11/2002)
12/23/2002	9	Filed Memo-Endorsement on letter: addressed to Judge Berman from Attorney Alexander E. Eisemann, dated 12/19/02, filed by deft Hector Ruiz. Mr. Eisemann requested that the trial, currently scheduled for 2/24/03, be adjourned for a few weeks; JUDGE ENDORSED - 1) Trial adjourned to 4/8/03 at 9:00; 2) Joint Jury Instructions and Pre-trial motions due 3/3/03; 3) Conference on 3/28/03 at 10:30. (Signed on 12/20/02 by Judge Richard M. Berman). [microfilm 12/23/02 3pm] (bw) (Entered: 12/26/2002)

12/27/2002	10	Filed Memo-Endorsement on letter: addressed to Judge Berman from Attorney Alexander E. Eisemann, dated 12/20/02, filed by deft Hector Ruiz. Mr. Eisemann requests -- jointly on behalf of Mr. Ruiz and the govt -- that the Judge exclude Speedy Trial time until 4/8/03; JUDGE ENDORSED - Application Granted. Time excluded to 4/8/03 so that counsel may hope adequate time to prepare for trial, among other reasons under 18 USC Section 3161. (Signed on 12/23/02 by Judge Richard M. Berman). [microfilm 12/27/02 12pm] (bw) (Entered: 01/02/2003)
01/13/2003	11	Filed Memo-Endorsement on letter: addressed to Judge Berman from Attorney Carlos Perez-Olivo, dated 1/10/03, filed by deft Hector Carvajal. Mr. Perez-Olivo requests that the Judge adjourn this case to any date after 1/20/03, to enter a Guilty Plea; JUDGE ENDORSED - Adjourned to 1/29/03 at 2:00. Time excluded under 18 USC Section 3161 to facilitate plea negotiations. (Signed on 1/10/03 by Judge Richard M. Berman). [microfilm 1/13/03 3pm] (bw) (Entered: 01/14/2003)
01/17/2003		First Appearance as to William Saenz Duque held, Arraignment set for 1/17/03 for William Saenz Duque; AUSA Marc Mukasey pres, Dft pres w/atty Gary Villanueva (CJA). Detention on consent without prejudice. Preliminary hearing set for 1/21/03 at 2:30 p.m. Dft arraigned and pleads NOT GUILTY before Magistrate Judge Douglas F. Eaton. (ja) Modified on 01/21/2003 (Entered: 01/21/2003)
01/17/2003		PRETRIAL CONFERENCE as to William Saenz Duque set at 2:30 1/21/03 for William Saenz Duque before Judge Berman. (ja) Modified on 01/21/2003 (Entered: 01/21/2003)
01/17/2003		First Appearance as to James Duque held before Magistrate Judge Douglas F. Eaton . (ja) (Entered: 01/21/2003)
01/17/2003		Arraignment as to James Duque, William Saenz Duque held James Duque (1) count(s) 1, 2, William Saenz Duque (2) count(s) 1, 2 before Magistrate Judge Douglas F. Eaton. Dft James Duque and defense counsel Alan Kaufman for Don D. Buchwald pres; AUSA Marc Mukasey and Spanish interpreter pres. Dft James Duque arraigned and pleads NOT GUILTY to 02 Cr 1290 (RMB). Bail status - detained. Dft William Saenz-Duque and defense counsel Gary Villanueva pres; AUSA Marc Mukasey and Spanish interpreter pres. Dft William Saenz-Duque arraigned and pleads NOT GUILTY to 02 Cr 1290 (RMB). Bail status - detained. Next conference on 1/21/03 at 2:30 p.m. before Judge Berman. (ja) (Entered: 01/21/2003)
01/17/2003		PLEA entered by James Duque, William Saenz Duque . Court accepts plea. Not Guilty: James Duque (1) count(s) 1, 2, William Saenz Duque (2) count(s) 1, 2 (ja) (Entered: 01/21/2003)
01/17/2003		PRETRIAL CONFERENCE as to James Duque set at 2:30 1/21/03 for James Duque (ja) (Entered: 01/21/2003)
01/17/2003	12	NOTICE of Appearance for William Saenz Duque by Attorney Gary Villanueva (ja) (Entered: 01/21/2003)

01/17/2003	13	CJA 23 Financial Affidavit as to William Saenz Duque : (Signed by Magistrate Judge Douglas F. Eaton) (ja) (Entered: 01/21/2003)
01/17/2003	14	CJA 23 Financial Affidavit as to James Duque : (Signed by Magistrate Judge Douglas F. Eaton) (bw) (Entered: 01/22/2003)
01/17/2003	15	NOTICE of Appearance for James Duque by Attorney Alan R. Kaufman (for Don D. Buchwald). (bw) (Entered: 01/22/2003)
01/17/2003		CJA 20 APPOINTMENT OF AND AUTHORITY TO PAY COURT APPOINTED COUNSEL as to James Duque : Appointment of Attorney Don D. Buchwald . (Signed by Magistrate Judge Douglas F. Eaton) (df) (Entered: 02/10/2003)
01/17/2003		CJA 20 APPOINTMENT OF AND AUTHORITY TO PAY COURT APPOINTED COUNSEL as to William Saenz Duque : Appointment of Attorney Gary S. Villanueva . (Signed by Judge Richard M. Berman) (moc) (Entered: 02/27/2003)
01/21/2003		PRETRIAL CONFERENCE as to James Duque, William Saenz Duque held before Judge Richard M. Berman. Arraignment held for defts James Duque and William Duque. Deft James Duque present w/atty Alan Kaufman. Deft William Duque present w/atty Gary Villanueva. AUSA Joshua Levine present. Spanish interpreter present. Court reporter present. Defs pleads not guilty to all charges in indictment. Next conference schedule for 2/3/03 at 12:00. Time excluded until 2/3/03. (bw) (Entered: 01/28/2003)
01/21/2003		PLEA entered by James Duque, William Saenz Duque. Court accepts plea. Not Guilty: James Duque (1) count(s) 1, 2, William Saenz Duque (2) count(s) 1, 2. (bw) (Entered: 01/28/2003)
01/21/2003		ORAL ORDER as to James Duque, William Saenz Duque . SET pretrial conference for 12:00 p.m. 2/3/03 for James Duque, for William Saenz Duque. (Entered by Judge Richard M. Berman) (bw) (Entered: 01/28/2003)
02/03/2003		Status conference as to James Duque, William Saenz Duque held before Judge Richard M. Berman. Deft James Duque NOT present. Atty Alan Kaufman present. Deft William Duque NOT present. Atty Gary Villanueva present. Defense attys waives defts appearance. AUSA Anirudh Bansal present. Court reporter present. Next status conference scheduled for 2/19/03 at 11:00. Time excluded until 2/19/03. (bw) (Entered: 02/06/2003)
02/03/2003		ORAL ORDER as to James Duque, William Saenz Duque . SET status conference for 11:00 a.m. 2/19/03 for James Duque, for William Saenz Duque. (Entered by Judge Richard M. Berman) (bw) (Entered: 02/06/2003)
02/19/2003	16	Filed Memo-Endorsement on letter: addressed to Judge Berman from Attorney Carlos Perez Olivo, dated 2/18/03, filed by deft Hector Carvajal. Mr. Olivo writes to inform the Judge that he will not be able to

		make the 11:00 a.m. court date for his client Hector Carvajal on 2/19/03. He requests that time be excluded on request of the defense under the speedy trial act to exclude time between now and the adjourned date of 3/3/03; JUDGE ENDORSED - Application for extension to 3/3/03 granted and time excluded under 18 USC Section 3161 while defendant and counsel prepare for a possible disposition. (Signed on 2/18/03 by Judge Richard M. Berman). [microfilm 2/19/03 3pm] (bw) (Entered: 02/20/2003)
02/19/2003		PRETRIAL CONFERENCE as to James Duque, William Saenz Duque held before Judge Richard M. Berman. AUSA Marc Mukasey present; Defense atty Alan Kaufman present; Defense atty Gary Villanueva not present, Alan Kaufman standing in for Gary Villanueva; Defts James Duque and William Duque not present; Court Reporter Mr. McDaniel present; Conference held; Next conference is scheduled for 2/26/03 at 10:30 a.m.; Speedy trial time is excluded for the reasons set forth on the record from 2/19/03 until 2/26/03 pursuant to 18 USC 3161(h)(8)(A) and (B). (bw) (Entered: 02/21/2003)
02/19/2003		ORAL ORDER as to James Duque, William Saenz Duque . SET pretrial conference for 10:30 a.m. 2/26/03 for James Duque, for William Saenz Duque. (Entered by Judge Richard M. Berman) (bw) (Entered: 02/21/2003)
02/26/2003		PRETRIAL CONFERENCE as to James Duque, William Saenz Duque, Hector Ruiz held before Judge Richard M. Berman. AUSA Marc Mukasey present; Defense attorney Alan Kaufman/Don Buchwald present; Defense attorney Gary Villanueva present; Defense attorney Alex Eisemann present; Court Reporter Mike D'Amato present; Spanish interpreter David Mintz present; Defts James Duque, William Duque and Hector Ruiz present; Conference held; Next conference/hearing is scheduled for 3/21/03 at 12:00 noon. Speedy trial time is excluded for the reasons set forth on the record. (bw) (Entered: 02/27/2003)
02/26/2003		ORAL ORDER as to James Duque, William Saenz Duque, Hector Ruiz . SET pretrial conference for 12:00 noon 3/21/03 for James Duque, for William Saenz Duque, for Hector Ruiz. (Entered by Judge Richard M. Berman) (bw) (Entered: 02/27/2003)
03/03/2003		PLEA entered by Hector Carvajal. Court accepts plea. Guilty: Hector Carvajal (3) count(s) 1 . [no endorsement, date of guilty plea was provided by Chambers.] (bw) Modified on 07/22/2003 (Entered: 07/22/2003)
03/06/2003	17	MOTION by Hector Ruiz for an order suppressing certain physical evidence on the ground that it was obtained in violation of deft's rights under the Fourth Amendment to the U.S. Constitution and for such other relief as the Court may deem just and proper. Return Date not specified; Declaration of Hector Ruiz attached. (bw) Modified on 03/07/2003 (Entered: 03/07/2003)
03/06/2003	18	MEMORANDUM OF LAW by Hector Ruiz in support of his [17-1]

		motion for an order suppressing certain physical evidence on the ground that it was obtained in violation of deft's rights under the Fourth Amendment to the U.S. Constitution and for such other relief as the Court may deem just and proper. (bw) (Entered: 03/07/2003)
03/13/2003	19	(S1) SUPERSEDING INDICTMENT as to James Duque (1) count(s) 1s, 2s, William Saenz Duque (2) count(s) 1s, 2s, Hector Ruiz (4) count(s) 1s, 2s. [microfilm 3/26/03 12pm] (bw) (Entered: 03/27/2003)
03/21/2003		PRETRIAL CONFERENCE as to James Duque, William Saenz Duque, Hector Ruiz held before Judge Richard M. Berman. AUSA Marc Mukasey present; Spanish interpreter Mirta Hess present; Defts Hector Ruiz, James Duque, William Duque present; Attys Buchwald and Villanueva present; Court Reporter Pam Utter present; Trial scheduled for 6/10/03; Joint jury instruction due 5/16/03; Suppression hearing scheduled for 4/11/03 at 11:00 a.m.; Conference scheduled for 3/26/03 at 10:00 a.m.; Speedy trial time is excluded for the reasons set forth on the record from 3/21/03 until 6/10/03 pursuant to 18 USC 3161(h)(8)(A) and (B). (bw) (Entered: 03/25/2003)
03/21/2003		ORAL ORDER as to James Duque, William Saenz Duque, Hector Ruiz . SET scheduling order deadlines: Pretrial Conference set for 10:00 a.m. 3/26/03 for James Duque, for William Saenz Duque, for Hector Ruiz; Jury Trial set for 6/10/03 for James Duque, for William Saenz Duque, for Hector Ruiz. (Entered by Judge Richard M. Berman) (bw) (Entered: 03/25/2003)
03/21/2003		Suppression hearing as to James Duque, William Saenz Duque, Hector Ruiz set at 11:00 a.m. 4/11/03. (bw) (Entered: 03/25/2003)
04/02/2003	20	SEALED DOCUMENT as to James Duque (wv) (Entered: 04/02/2003)
04/04/2003	21	MOTION by James Duque for the following relief: A. For an Order dismissing the case on the grounds that venue does not properly lie in this District ; and B. For an Order granting their application to proceed with the pre-trial depositions of five Aruban law enforcement authorities, to wit: (i) Glenn Frederick De Windt, (ii) Renato Roselo Emerencia, (iii) Anthony Minas Lambrinos, (iv) Gilbert Solomon Oduber, and (v) Elisa Mirea Van Loon, if the Govt cannot assure that said individuals will voluntarily appear for trial and the Govt will not enter into testimonial stipulations as to said individuals setting forth the matters attributed to each in the Aruban surveillance report recently furnished by the Govt to defense counsel ; and C. For an Order to join in, and adopt by reference, those requests for relief by his co-defts to the extent that they are neither inconsistent with, nor antagonistic to, his position. Return Date not specified. (bw) (Entered: 04/07/2003)
04/04/2003	22	MEMORANDUM by James Duque in support of [21-1] motion A. For an Order dismissing the case on the grounds that venue does not properly lie in this District, [21-2] motion B. For an Order granting their application to proceed with the pre-trial depositions of five Aruban law enforcement authorities, to wit: (i) Glenn Frederick De Windt, (ii) Renato

		Roselo Emerencia, (iii) Anthony Minas Lambrinos, (iv) Gilbert Solomon Oduber, and (v) Elisa Mirea Van Loon, if the Govt cannot assure that said individuals will voluntarily appear for trial and the Govt will not enter into testimonial stipulations as to said individuals setting forth the matters attributed to each in the Aruban surveillance report recently furnished by the Govt to defense counsel, [21-3] motion C. For an Order to join in, and adopt by reference, those requests for relief by his co-defts to the extent that they are neither inconsistent with, nor antagonistic to, his position. (bw) (Entered: 04/07/2003)
04/16/2003	23	SEALED DOCUMENT as to William Saenz Duque (js) (Entered: 04/16/2003)
04/25/2003	24	SEALED DOCUMENT as to James Duque (js) (Entered: 04/25/2003)
04/25/2003	25	SEALED DOCUMENT as to William Saenz Duque (js) (Entered: 04/25/2003)
04/29/2003	28	SEALED DOCUMENT as to Hector Ruiz (wv) (Entered: 05/30/2003)
05/20/2003		Status conference as to William Saenz Duque held before Judge Richard M. Berman. AUSA Marc Mukasey present; Deft William Duque with attorney Gary Villanueva present; Court reporter present; Spanish interpreter present; Next status conference to be held 5/21/03 at 2:30. (bw) (Entered: 05/23/2003)
05/20/2003		ORAL ORDER as to William Saenz Duque . SET status conference for 2:30 5/21/03 for William Saenz Duque. (Entered by Judge Richard M. Berman) (bw) (Entered: 05/23/2003)
05/21/2003		Status conference as to William Saenz Duque held before Judge Richard M. Berman. AUSA Marc Mukasey present. AUSA Lauren Goldberg present; Defendant William Duque present with atty Gary Villanueva; CJA counsel Philip Edelbaum present. Court reporter Bonnie Pruszyński present; Conference held. Next conference is scheduled for 5/22/03 at 2:45pm. (jw) (Entered: 05/30/2003)
05/21/2003		Status conference as to William Saenz Duque set at 2:45 5/22/03 for William Saenz Duque (jw) (Entered: 05/30/2003)
05/22/2003		Status conference as to William Saenz Duque held before Judge Richard M. Berman. AUSA Marc Mukasey present. AUSA Lauren Goldberg present. Defendant William Duque present with atty Gary Villanueva; CJA counsel Michael Sporn present; Atty Gary Villanueva relieved of duty. Court Reporter Steven Greenblum present; Spanish Interpreter Terrence McEnery present; Conference held. Next conference is scheduled for May 30, 2003 at 10:45. (jw) (Entered: 05/30/2003)
05/22/2003		Status conference as to William Saenz Duque set at 10:45 5/30/03 for William Saenz Duque (jw) (Entered: 05/30/2003)
05/23/2003	26	TRANSCRIPT of record of proceedings as to Hector Carvajal for dates of March 3, 2003, before Judge Richard M. Berman . (dt) (Entered: 05/23/2003)